

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**OPEN MRI AND IMAGING OF RP
VESTIBULAR DIAGNOSTICS, P.A.,**

Plaintiff,

v.

**CIGNA HEALTH AND LIFE
INSURANCE COMPANY,**

Defendant.

No. 20-10345 (KM)(ESK)

ORDER

THIS MATTER having come before the Court on the Report and Recommendation (“R&R”) (DE 122) of the Honorable Edward S. Kiel, United States Magistrate Judge, recommending that defendant's third motion to dismiss (DE 91) be granted;

AND IT APPEARING that no party has filed an objection to the R&R;

AND IT FURTHER APPEARING that the Court, having considered all the foregoing and reviewed *de novo* the Magistrate Judge's R&R, finds no clear error of fact, abuse of discretion, or error of law, and agrees with Judge Kiel's well-reasoned analysis;

AND THE COURT having decided the matter without oral argument; for good cause shown, and for the reasons stated in the R&R:

IT IS this 14th day of September, 2023

ORDERED that Judge Kiel's Report and Recommendation (DE 122) is **ADOPTED**; and it is further

ORDERED that defendant's third motion to dismiss (DE 91) is **GRANTED** and the clerk shall close the case.

/s/ Kevin McNulty

Hon. Kevin McNulty
United States District Judge